



July 15, 2003

Don Melton, Director  
Arkansas State Police  
One State Police Plaza Dr.  
Little Rock, AR 72209

Re: Advisory Opinion # 483-03-4

Dear Col. Melton:

This letter is in response to your request for an advisory opinion in accordance with §19-11-715(b) of the Arkansas Code Annotated of 1987. Your request for an advisory opinion is based upon the following facts:

- a) State Police Commissioners are buying handguns engraved with the Arkansas State Police logo using state contract (T-00-0129) for personal use.
- b) You are requesting an official opinion to advise you of any violations of the Ethics in Public Contracting Law (§§19-11-701 et. seq.).

The handgun contract for the Arkansas State Police was awarded by the Office of State Procurement to Glock, Inc. in September of 1999. The contract allows "each Arkansas State Police officer the option to purchase his or her pistol from the successful bidder (Glock) at the same price as offered for the trade in allowance in this bid". In the course of being issued a Glock pistol, each trooper is given the option of buying back his or her trade-in weapon (Sigarms P229) at the price quoted as trade in value by Glock. These are the only provisions for any purchases of weapons from the contract other than by the Arkansas State Police (Agency). There is no mention in the contract of any authorization or capability for State Police Commissioners to buy from the contract, either Glock weapons or the trade in Sigarms. Accordingly, any purchases by Commissioners are contrary to the terms of the contract.

Ark. Code Ann. § 21-8-304(b) states, "No public official or state employee shall use his position to secure special privileges or exemption for himself . . . that is not available to others except as may be otherwise provided by law." Any amendment of the contract to allow any purchase of pistols with the Arkansas State Police logo by other than the Department of Arkansas State Police would contravene this provision.

Sincerely,

Richard A. Weiss  
Director

cc: Joe Giddis  
Tom Gay, Ofc of Atty. Gen.